

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2014 JAN -3 PM 4: 32

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY KCC
DEPUTY

SHERICE CROFT, EMILIE NICHOLSON, §
ROBERT POEHL, AND KYLE POEHL, §
PLAINTIFFS, §

V. §

CAUSE NO. 1:13-CV-926-LY

SCOTT & WHITE HOSPITAL – §
BRENHAM; LONNIE HERMANN, M.D. §
AND LUTHERAN SOCIAL SERVICES §
OF THE SOUTH, INC., §
DEFENDANTS. §

ORDER

Before the court are Defendant Lutheran Social Services of the South, Inc.'s Motion to Dismiss filed November 27, 2013 (Clerk's Doc. No. 8), Defendant Scott & White Hospital - Brenham's Motion to Dismiss filed November 27, 2013 (Clerk's Doc. No. 14), and Plaintiffs' Motion for Leave to File Out of Time a Memorandum in Response to Defendants' Motion to Dismiss for Failure to State a Claim, for Failure to Join a Required Party, and for Lack of Subject-Matter Jurisdiction filed December 17, 2013 (Clerk's Doc. No. 19). In light of Plaintiff's filing of an Amended Complaint on December 17, 2013 (Clerk's Doc. No. 16), and Defendants' subsequent motions to dismiss the amended complaint (Clerks Doc. Nos. 20 & 22),

IT IS HEREBY ORDERED that Defendant Lutheran Social Services of the South, Inc.'s [First] Motion to Dismiss (Clerk's Doc. No. 8) is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Defendant Scott & White Hospital - Brenham's [First] Motion to Dismiss (Clerk's Doc. No. 14) is **DISMISSED WITHOUT PREJUDICE**.

By this action the court renders Plaintiffs' response unnecessary, therefore,

IT IS FINALLY ORDERED that Plaintiffs' Motion for Leave to File Out of Time a

Memorandum in Response to Defendants' Motion to Dismiss for Failure to State a Claim, for Failure to Join a Required Party, and for Lack of Subject-Matter Jurisdiction (Clerk's Doc. No. 19) is **DISMISSED.**

SIGNED this 3rd day of January, 2014.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE